

first day of April, A. D. 1918, by authority of this section, meet at the city of Austin in the State of Texas, and pass efficient laws to enforce this section; providing further, that this section shall not prevent any session of the Legislature from passing any law to enforce the same; and further providing that the felony crimes described in the local option law and the punishments prescribed therefor shall on and after said date apply to and be in full force and effect in all counties of the State by virtue of this section without the necessity of the adoption of said law by each county separately, and so remain in force until repealed by the Legislature; providing the forms of ballots fixing the dates of election and the meeting of the Legislature and authorizing the Governor to call an election to determine whether the amendment will be adopted,

And find the same correctly engrossed.  
RUSSELL, Vice-Chairman.

### THIRTY-FIRST DAY.

(Continued.)

(Tuesday, February 20, 1917.)

The House met at 10 o'clock a. m. and was called to order by the Speaker.

#### HOUSE BILL NO. 73 ON SECOND READING.

On motion of Mr. Walker, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 73, A bill to be entitled "An Act declaring it the duty of the owner entitled to the beneficial use, rental or control of, or in case of a non-resident, the occupant, lessee, of any building, three or more stories in height, constructed, used or intended to be used as a hospital, seminary, college, academy, schoolhouse, dormitory, hotel, lodging house, apartment house, rooming house, boarding house, theater or any place of public amusement, lodge, hotel or any hall used for public gatherings or any manufacturing establishment or industrial plant, wholesale or retail store, workshop, warehouse, office building and any building, erected by any municipal, county or State authority, wherein public assemblies are permitted, or sleeping apartments are provided on any floor above the second, to erect and fix to every such building one or more

adequate fire escapes; defining an adequate fire escape as required by this act, providing for the promulgation of specifications for each type of fire escape permitted by the terms hereof by the fire marshal of the State Fire Insurance Commission; and making it the duty of said fire marshal to enforce the provisions of the act with the assistance of fire chiefs and city fire marshals, as required by this act; providing how notice shall be given to any owner, occupant or lessee to erect fire escapes; providing remedies and penalties with regard to the enforcement thereof, etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read the second time.

Mr. Woods offered the following amendment to the bill:

Amend House bill No. 73 by beginning with the word "or," line 24, striking out said word "or," and on down to the word "law," line 34.

Mr. Schlesinger offered the following amendment to the amendment:

Amend amendment to House bill No. 73 by striking out on page 5 in Section 7, in line 22, beginning with the word "such" and ending with the word "them" in line 28.

Mr. Holland offered the following substitute for the pending amendments:

Amend House bill No. 73 by striking out all of Section 7 after the word "located," in line 23, page 5, down to the word "for" in line 24, page 5.

Question first recurring on the substitute, it was adopted.

Mr. Woods offered the following amendment to the amendment as substituted:

Amend Section 7 of House bill No. 73 by striking out, beginning with the word "or," line 24, down to and including the word "them," line 28.

The amendment to the amendment as substituted was adopted.

The amendment as substituted and amended was then adopted.

House bill No. 73 was then passed to engrossment.

Mr. Burton of Tarrant moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 498 ON SECOND READING.

On motion of Mr. Butler, by unanimous consent, the regular order of business was suspended, to take up and

have placed on its second reading and passage to engrossment,

H. B. No. 498, A bill to be entitled "An Act to provide for the establishment and maintenance of the State home for dependent and neglected children, to locate the same, and provide for its control and management, making appropriation for such purposes, and declaring an emergency."

The Speaker laid the bill before the House, and it was read the second time.

Mr. Butler offered the following amendments to the bill:

(1)

Amend the bill by inserting the word "white" after the word "neglected" in line 20, page 1, and by inserting the word "white" after the word "neglected" in line 29, same page, and line 16, same page.

(2)

Amend the bill by striking out the words "persons in authority" in line 13, Section 1, and inserting therefor the following: "The Governor, Comptroller and Superintendent of Public Instruction."

(3)

Amend the bill by striking out all of Section 3 after the word "years" in line 2, page 2 of the bill, down to and including line 6.

(4)

Amend Section 1 of the bill by adding at the end of said section the following: "And the Governor, together with the Comptroller and State Superintendent of Public Instruction, shall constitute a board for the purpose of selecting and purchasing a site for said institution and having necessary buildings and improvements made thereon, and equipping said home, and shall have full power and authority to do and perform all things necessary to carry out the purposes of this act."

(5)

Amend the bill by striking out the words "of the State Board of Control for the eleemosynary institutions of this State, and should there be no such board, then this home shall be under the management," in Section 3, beginning after the word "management" in line 30, page 1 of the bill.

(6)

Amend House bill No. 498, page 4, Section 13, line 34, by striking out the

words and figures "two hundred thousand (\$200,000)" and inserting therefor the words and figures "one hundred thousand (\$100,000)."

(7)

Amend the caption by inserting the word "white" between the words "neglected" and "children" in line 8.

The amendments were severally adopted.

Mr. Beard of Harris moved the previous question on the engrossment of the bill, and the main question was ordered.

Question then recurring on the passage of the bill to engrossment, yeas and nays were demanded.

House bill No. 498 was passed to engrossment by the following vote:

Yeas—102.

Bagby.	Laas.
Baker.	Laney.
Beard of Harris.	Lange.
Beasley.	Lanier.
Beason.	Lindemann.
Bedell.	McCoy.
Bertram.	McFarland.
Blackburn.	McMillin.
Blackmon.	Meador.
Blalock.	Mendell.
Bland.	Metcalfe.
Boner.	Miller of Dallas.
Bryan.	Monday.
Bryant.	Morris.
Burton of Tarrant.	Neeley.
Butler.	Neill.
Cadenhead.	Nichols.
Canales.	Nordhaus.
Carlock.	Osborne.
Cates.	Peddy.
Clark.	Peyton.
Cope.	Poage.
Cox.	Raiden.
Crudgington.	Reeves.
Davis of Dallas.	Richards.
Davis of Grimes.	Robertson.
Davis	Roemer.
of Van Zandt.	Rogers.
De Bogory.	Russell.
Denton.	Schlesinger.
Dodd.	Schlosshan.
Dudley.	Scholl.
Estes.	Seawright.
Fairchild.	Smith of Bastrop.
Florer.	Smith of Hopkins.
Fly.	Smith of Scurry.
Hardey.	Spencer of Wise.
Harris.	Strayhorn.
Hill.	Swope.
Holland.	Taylor.
Hudspeth.	Templeton.
Johnson.	Thomas.
Jones.	



Thomason	Veatch.
of Nacogdoches.	Walker.
Thompson	White.
of Hunt.	Williams
Thompson	of Brazoria.
of Red River.	Williams
Tillotson.	of McLennan.
Tilson.	Williford.
Trayler.	Wilson.
Tschoepe.	Woodul.
Upchurch.	Yantis.
Valentine.	

Nays—17.

Dunnam.	O'Banion.
Haidusek.	O'Brien.
Hartman.	Parks.
Hawkins.	Sallas.
Lacey.	Sentell.
Lee.	Stewart.
Lowe	Thomason
of McMullen.	of El Paso.
McDowra.	Wahrmund.
Murrell.	

Present—Not Voting.

Beard of Milam.	Sackett.
McComb.	Woods.
Miller of Austin.	

Absent.

Bell.	Martin.
Bledsoe.	Moore.
Brown.	Pope.
Burton of Rusk.	Sholars.
Fisher.	Spencer of Nolan.
Fitzpatrick.	Spradley.
Greenwood.	Terrell.
Low	
of Washington.	

Absent—Excused.

Pillow.	Tinner.
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Mr. Butler moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 502 ON SECOND READING.

On motion of Mr. Lange, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment.

H. B. No. 502, A bill to be entitled "An Act to amend Article 421 of the Penal Code of the State of Texas; to further define 'barratry' so as to include the fomenting of litigation for profit and by persons in addition to attorneys at law by soliciting employment or advancing money or other things of value

to the parties to litigation in order to procure employment."

The Speaker laid the bill before the House, and it was read the second time.

Mr. Carlock offered the following amendment to the bill:

Amend House bill No. 502 by adding after the word "months," in line 11, page 2, the following: "Provided, that the penalties hereinbefore prescribed shall apply not only to attorneys-at-law but to any other persons who may be guilty of any of the things set forth in the foregoing provisions of this act."

The amendment was adopted.

House bill No. 502 was then passed to engrossment.

Mr. Lange moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 246 ON SECOND READING.

On motion of Mr. Nichols, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 246, A bill to be entitled "An Act to amend Section 5 of House bill No. 25, passed by the Thirty-third Legislature at the Regular Session, 1913, and approved April 7, 1913, relating to prorating the appropriation for Confederate pensions among the pensioners."

The Speaker laid the bill before the House, and it was read second time.

Mr. Nichols offered the following amendments to the bill:

(1)

Amend House bill No. 246 by adding Section 2, which shall read as follows:

"Sec. 2. On account of the present statute law on this subject being in conflict with the Constitution of the State, and on account of a great many inequalities rising under the present statutes, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act be in force and take effect from and after its passage, and it is so enacted."

(2)

Amend House bill No. 246 by adding to caption: "and declaring an emergency."



The amendments were severally adopted.

House bill No. 246 was then passed to engrossment.

Mr. Nichols moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 591 ON SECOND READING.

On motion of Mr. Low, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 591, A bill to be entitled 'An Act to transfer to the board of county school trustees all rights and powers pertaining to the public free schools that have heretofore been vested in the county commissioners court; and repealing all laws and parts of laws in conflict herewith.'

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

S. B. No. 234, A bill to be entitled 'An Act creating and incorporating the San Antonio Independent School District and defining its boundaries; declaring an emergency.'

H. B. No. 68, A bill to be entitled 'An Act to require the Governor of Texas to appoint an inspector of hides and animals in Nueces county, Texas, and to place said county under the provisions of Articles 7256 and 7304, both inclusive, Revised Civil Statutes of 1911, and providing for fees for inspector appointed by Governor, and declaring an emergency,' with amendments.

H. B. No. 602, A bill to be entitled 'An Act creating the Buna Independent School District known as Common School District No. 13, in Jasper county, Texas, and defining its boundaries, etc., and declaring an emergency.'

The Senate concurs in House Concurrent Resolution No. 16, relating to the

death of General Frederick Funston.

Respectfully,

JOHN D. McCALL,  
Secretary of the Senate.

#### HOUSE BILL NO. 149 ON SECOND READING.

On motion of Mr. Greenwood, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 149, A bill to be entitled 'An Act to amend Title 126, Chapter 1, Article 7355, Section 9, of the Revised Civil Statutes of the State of Texas of 1911, on the question of taxation.'

The Speaker laid the bill before the House, it was read the second time, and was passed to engrossment.

Mr. Williams of McLennan moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 150 ON SECOND READING.

On motion of Mr. Reeves, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 150, A bill to be entitled 'An Act providing that municipal authorities in cities of over ten thousand inhabitants, as shown by the last Federal census, shall not be permitted to compel firemen regularly employed by fire departments of such city government, to work more than six days in any one week, and providing penalties for the violation of this act.'

The Speaker laid the bill before the House, and it was read the second time. (Mr. Baker in the chair.)

Mr. Sentell offered the following amendment to the bill:

Amend by striking out beginning with the word "having," in line 15, down to and including the word "census," in line 17, Section 1.

(Speaker in the chair.)

The amendment was adopted.

The House then refused to pass the bill to engrossment.

Mr. Nichols moved to reconsider the vote by which the House refused to pass the bill to engrossment and to table the motion to reconsider.

The motion to table prevailed.

### HOUSE BILL NO. 30 ON SECOND READING.

On motion of Mr. Fly, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 30, A bill to be entitled "An Act to amend Articles 6290, 6292, 6293, 6294, 6295, 6296, 6297, 6298, Chapter 1, Title 106, Revised Civil Statutes of the State of Texas for 1911; making it the duty of the Texas State Board of Pharmacy to examine applicants for registration in the months of June and January of each year; prescribing the fees that may be charged for such examinations; making it unlawful for any person not licensed under the provisions of this act to conduct or manage any pharmacy, drug or chemical store, or other place of business for the retailing, compounding or dispensing of certain drugs, or for the compounding of physicians' prescriptions; prescribing the percentage applicants for registration must make on examination; providing for the issuance of a life certificate to practice pharmacy by the said Board of Pharmacy; defining the term 'practice pharmacy'; providing for reciprocity with other States; providing for the renewal of certificates and the fee to be charged therefor; fixing a penalty for the violation of any of the provisions of this act; amending Article 781, and repealing Articles 771, 772, 773, 774, 775, 776, 778 and 780 of Chapter 8, Title 12, of the Revised Criminal Statutes of the State of Texas for 1911, and all laws or parts of laws in conflict with this act."

The Speaker laid the bill before the House, and it was read second time.

Mr. Fly offered the following (committee) amendments to the bill:

#### (1)

Amend House bill No. 30 by striking out all after the enacting clause and inserting the following:

Section 1. That Articles 6290, 6292, 6293, 6294, 6295, 6296, 6297 and 6298 of Chapter 1, Title 106, Revised Civil Statutes of the State of Texas for 1911, be and the same are hereby amended so as to hereafter read as follows:

Article 6290. The Texas State Board of Pharmacy shall hold meetings for the examination of applicants for registration as pharmacists and for the transaction of such other business as may legally come before it at least twice each year. Such examination shall be

held during the months of January and June, respectively, of each year, in such places as the board may deem most convenient for the applicants; provided, however, that no two consecutive examinations shall be held in the same town or city; provided further, that the board of examiners may, if it be deemed necessary, hold one special or extra examination annually at a time and place deemed best for the purpose of said examination. Due notice of all meetings as to date and place shall be given by publication in such papers as may be selected by the board thirty days in advance of such meeting. Three members shall constitute a quorum for the transaction of any or all business. The president and secretary shall have the power to administer the oath in all matters pertaining to the examinations and registration of pharmacists. The board shall keep a record of its proceedings and a register of all persons to whom certificates of license as pharmacists have been issued, and of renewal or reciprocal certificates, and the books and the register of the board, or a copy of any part thereof certified by the secretary shall be accepted as competent evidence in any of the courts.

Article 6292. The Board of Pharmacy shall be entitled to charge and collect the following fees: For the examination of an applicant as a pharmacist, ten (\$10) dollars; for the renewal of a license, one (\$1) dollar; said fee for renewal of license to be paid on January 1 of each year; for issuing duplicate certificates or renewal cards, one (\$1) dollar; for reciprocal exchanges with other States, twenty-five (\$25.00) dollars; for life membership certificates, twenty-five (\$25) dollars. All fees shall be paid before an applicant shall be admitted to an examination or his name placed upon the register or before the license, duplicate, or renewal, or life membership can be issued.

Article 6293. It shall be unlawful for any person not licensed as a pharmacist within the meaning of this act to conduct or manage any pharmacy, drug or chemical store, or any place of business of whatsoever kind for dispensing, compounding, selling at retail or distributing any drug, chemical, or medicinal preparation, or for compounding, dispensing, selling at retail, or distributing physicians' prescriptions, or to keep, exhibit for sale, or offer to sell at retail, any drug, chemicals, poisons, or medicinal preparations, except as an aid to and under the direct supervision



of a person licensed as a pharmacist under this act. And it shall be unlawful for any owner or manager of a pharmacy, drug store or other place of business to cause or permit any other than a person licensed as a pharmacist to compound, dispense, or sell at retail any drug, chemical, or medicinal preparation, or poison, except as an aid to and under the direct supervision of one licensed as a pharmacist in the State of Texas. Provided, however, that nothing in this act shall be construed to prevent any person or persons engaging in the manufacture, distribution and dispensing of drugs, chemicals or medicinal properties, or the compounding, dispensing and selling of physicians' prescriptions, provided such person or persons shall have in his, her or their employ, to conduct said business, at least one person qualified under this act to directly supervise the manufacture, compounding, dispensing and selling at retail of such drugs, chemicals, or medicinal preparation; nor shall this act be construed so as to interfere with any legally registered practitioner of medicine, dentist or veterinary surgeon in the compounding of his or her prescriptions or with supplying their own bona fide patients with medicine nor with the exclusive wholesale business of any manufacturer or dealer who shall be licensed as a pharmacist in the State of Texas, under whose direct supervision the manufacture, compounding and the filling of orders shall be conducted. Provided further, that nothing in this act shall be construed to prevent any person selling at retail non-poisonous domestic household articles, patent or proprietary preparations, when sold in unbroken packages, nor with the sale of poisonous substances which are sold exclusively for use in the arts or for use as insecticides, or for killing rats, roaches, wolves, prairie dogs, or other undesirable animals when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents, the word "poison," and the name of at least two readily obtainable antidotes, together with the name of the manufacturer, person or firm preparing same for sale.

Article 6294. All persons heretofore registered by a district board of pharmaceutical examiners shall upon presenting proof of such registration in accordance with the law regulating the practice of pharmacy then in force and the payment of five dollars (\$5.00) be entitled to a certificate of registration

as a licensed pharmacist under the meaning of this act from the State Board of Pharmacy, without examination. Any person who shall desire to be licensed as a pharmacist shall file with the Secretary of State Board of Pharmacy a statement duly verified under oath setting forth the name and the age of the applicant, the place or places at which and the time spent on the study of the science and art of pharmacy, experience in compounding of physicians' prescriptions which the applicant has had under the direct supervision of a legally licensed pharmacist, and shall be at the time and place designated by the Texas State Board of Pharmacy and submit to an examination as to his or her qualifications for registration as a licensed pharmacist. Provided, however, that if any applicant should fail to pass a satisfactory examination, he or she may, at any subsequent meeting of the Board of Pharmacy within six months or at the next regular meeting of the Board of Pharmacy, be permitted to be re-examined without cost. Provided, further, that an applicant must make a general average of not less than seventy-five per cent, and not less than sixty per cent in any one branch or subject.

Article 6295. In order to be licensed as a pharmacist within the meaning of this act, an applicant shall be not less than 21 years of age, and shall present to the Board of Pharmacy satisfactory evidence that he or she has had four years' experience in compounding, dispensing and selling drugs and chemicals under the direction of a person licensed as a pharmacist; or in lieu of all the above requirements he shall give evidence that he or she is a graduate of a reputable school or college of pharmacy; and in addition to the above all candidates shall be required to pass a satisfactory examination by and under the direction of the Board of Pharmacy. Provided, further, that, beginning with January 1, 1922, all such candidates applying for license as pharmacists shall give evidence of having graduated from a reputable school or college of pharmacy in order to be entitled to take the examination before the Board of Pharmacy for registration as a pharmacist.

Any college or college of pharmacy to be considered reputable within the meaning of this act shall employ at least four salaried teachers, and three of these, the professors of chemistry,

pharmacy, and pharmacognosy, shall devote at least one-half of their time in teaching his or her subject in said college or school of pharmacy. Provided, further, that such college or school of pharmacy shall issue a diploma or confer a degree only after attendance of at least two sessions of not less than twenty-four teaching weeks, exclusive of holidays and time expended in examinations. Provided, further, that such school or college of pharmacy shall devote not less than five hundred and fifty hours in quizzes, lectures, and laboratory work during the first year, and not less than six hundred and fifty hours in lectures, quizzes and laboratory work during the second year, upon the subjects required for examination by the State board. Provided, further, that at least three-fifths of such time must be devoted, in each year's work, to laboratory instruction.

Article 6296. If the applicant for license as a pharmacist has complied with all the requirements of this act, the Board of Pharmacy shall enroll his or her name upon the register of pharmacists and shall issue to him or her a license which shall entitle the owner to practice as a pharmacist for such period of time as hereinafter provided. Hereafter all certificates shall expire on January 1 following date of issuance and shall, upon the payment of the fee herein provided, then be renewed for one year from January. All certificates and renewals now in force shall be renewed on expiration to January 1 after date of expiration. The fiscal year of the State Board of Pharmacy shall hereafter begin with January 1 and end December 31 of each year. The Board of Pharmacy shall refuse to grant a license to any person guilty of felony or gross immorality or one who is addicted to the use of alcoholic liquors or the use of narcotic drugs, and the Board of Pharmacy shall, after due hearings, revoke a license for like causes and also any license which has been procured by fraud. Provided, further, that the Texas State Board of Pharmacy may issue a life certificate to any licentiate of Texas, which shall entitle the holder of any such life certificate to practice pharmacy in Texas during his lifetime without being subject to renewal fees or other fees chargeable against this life certificate. The board shall collect a fee of twenty-five dollars (\$25.00) for each life certificate granted.

Article 6297. The Board of Pharmacy may issue a license to practice pharmacy in Texas without examination to such persons as have been legally registered or licensed as pharmacists in other States; provided, that the applicant for such license shall present satisfactory evidence of qualifications equal to those required for licentiate in this State, that he or she was licensed by examination in such other State and that the standards of competency required in such other State is equal to that required by this State at the time of such application for license, and that such other State accords similar recognition to the licentiates of this State; provided, also, that said person has practiced for at least twelve months under the said license in the State issuing said license offered for reciprocity. Provided, further, that applicants for license under this section shall, with their applications, forward to the Secretary of the Board of Pharmacy the sum of twenty-five dollars (\$25.00) and the board may demand personal appearance.

Article 6298. Every certificate or license to practice pharmacy and every renewal of every said license shall be conspicuously exhibited in the pharmacy or drug store or other place of business of the person holding the certificate where such person is owner, manager or employe, and no pharmacist, licensed under the provisions of this act, shall loan, rent or allow the use of his certificate to an unlicensed person for unlawful use. If the board shall find the applicant has been legally licensed in this State, and is entitled to a renewal of the license, it shall issue to him a certificate attesting the fact. If any pharmacist shall fail, for a period of sixty days after the expiration of his license, to make application to the board for its renewal, his or her name shall be erased from the register of licensed pharmacists, and such person in order to become registered as a licensed pharmacist shall be required to pay a fee of five dollars (\$5.00) for such registration renewal.

Sec. 2. Article 781 of Chapter 9, Title 12, of the Revised Criminal Statutes of the State of Texas for 1911, shall be and the same is hereby amended so as to hereafter read as follows:

Article 781. Any person, firm or corporation violating any of the provisions

of the pharmacy law shall be guilty of misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) for each week of such violation; and whoever shall cause or permit the violation, whether owner or manager, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) for each week of such violation. Any license obtained through any false or fraudulent representation shall be void and of no effect in law. Any person who shall make any false or fraudulent representation for the purpose of procuring a license or renewal thereof, either for himself or for another, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Whoever being the holder of any license granted under this act shall fail to exhibit such license or such renewal thereof in a conspicuous place in the place of business to which such license relates, or in which the holder thereof is employed, or shall loan, rent or allow the use of his certificate for unlawful purposes, contrary to the provisions of this act, shall upon conviction thereof be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each week that such license or renewal shall not be exhibited shall be held to constitute a separate and distinct offense; and whoever being the holder of any license, and without renewing the same continue to carry on the business for which such license or permit was granted contrary to the provisions of this act, shall, upon conviction thereof, be fined not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

Sec. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

(2)

Amend House bill No. 30 by striking out the caption and inserting in lieu thereof the following:

An Act to amend Articles 6290, 6292, 6293, 6294, 6295, 6296, 6297, and 6298, Chapter 1, Title 106, Revised Civil Statutes of the State of Texas for 1911, making it the duty of the Texas State Board of Pharmacy to examine applicants for registration in the months of June and January of each year; prescribing the

fees that may be charged for such examination; making it unlawful for any person not licensed under the provisions of this act to conduct or manage any pharmacy, drug, or chemical store, or other place of business for the retailing, compounding, or dispensing of certain drugs or for the compounding of physicians' prescriptions; prescribing the percentage applicants for registration must make on examinations; providing for the issuance of a life certificate to practice pharmacy by the said board of pharmacy; providing for reciprocity with other States; providing for the renewal of certificates and the fee to be charged therefor; fixing a penalty for the violation of any of the provisions of this act; amending Article 781 and repealing Articles 771, 772, 773, 774, 775, 776, 778 and 780 of Chapter 8, Title 12, of the Revised Criminal Statutes of the State of Texas for 1911, and all laws or parts of laws in conflict with this act.

Mr. Laney offered the following amendment to the (committee) amendment (1):

Amend House bill No. 30 by adding to the (committee) amendment a new section to be known as Section 6293a. The term "practice pharmacy" as used in this act shall be construed to mean, compounding and dispensing physicians' prescriptions, or selling drugs and chemicals at retail, or selling patent or proprietary remedies for internal use that contain alcohol in any quantity, or contain any cocaine, salts of cocaine, or any morphine or salts of morphine, or any preparation containing morphine or salts of morphine, or any opium or preparation containing opium, or any chloral hydrate or preparation containing chloral hydrate, or conducting or managing any pharmacy or drug store, or any place of business of whatsoever kind for dispensing or compounding, selling at retail or distributing any drug, chemical or medical preparation, except under the direction and supervision of a person licensed as a pharmacist; provided, however, that nothing in this act shall be construed to prevent any legally registered practitioner of medicine, dentist or veterinary surgeon from compounding his or her prescriptions or from supplying his or her bona fide patients with medicine, nor shall this act be construed so as to prevent any merchant from selling poisonous substances which are sold exclusively for use in the arts, or which are used as insecticides, or for killing rats, roaches, wolves,



prairie dogs or other undesirable insects or animals, when such substances are sold in unbroken packages, bearing a label plainly written upon it the name of the contents, the word "poison," and the names of at least two readily obtainable antidotes, or for selling any drugs, or any chemical, or any patent or proprietary remedies, which do not contain alcohol, or selling any flavoring extract, or any toilet preparation, or any food products, or any beverages.

Mr. Sentell moved to postpone further consideration of the bill until next Friday, February 23.

Mr. Laney moved to table the motion to postpone.

Question first recurring on the motion to table, it prevailed.

On motion of Mr. Blalock, the amendment by Mr. Laney to the (committee) amendment (1) was tabled.

Mr. Neeley moved to postpone further consideration of the bill indefinitely.

Mr. Fly moved to table the motion to postpone indefinitely, and the motion to table was lost.

Question—Shall the motion to postpone indefinitely prevail?

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bills:

S. B. No. 176, A bill to be entitled "An Act to authorize commissioners courts, in addition to the powers now granted them, to make appropriations of money to regularly organized relief and charitable associations, for the support of indigents; requiring such associations to make annual reports to said courts, and declaring an emergency."

S. B. No. 304, A bill to be entitled "An Act creating the Turkey Independent School District in Hall county, Texas; providing for a board of trustees and conferring upon said district and its board of trustees all rights, powers and privileges and duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees; to provide for the election of trustees, for the raising of revenue, issuing bonds, building and maintaining schoolhouses, maintaining public free schools, and declaring an emergency."

S. B. No. 34, A bill to be entitled

"An Act providing a salary for district attorneys in counties having a population of more than 100,000 of \$500 and all fees, commissions and perquisites earned by such officer and exempting such district attorney from making accounting as required by Articles 3894 to 3897, inclusive, etc."

S. B. No. 317, A bill to be entitled "An Act to authorize cities of over five thousand population to adopt or amend their charters by consolidation with an adjoining city in the same county under the name and government of the larger of said cities; authorizing the holding of joint elections by the qualified voters of said cities for the purpose of determining whether or not such consolidation shall take place; defining the term 'consolidation'; providing that in event a majority of the qualified voters voting at such election in each of said cities shall vote in favor of consolidation the result shall be certified to the Secretary of State, and recorded by him, and providing for the recording of returns of such elections by the officers of the respective cities, etc., and declaring an emergency."

Respectfully,

G. H. BOYNTON,

Assistant Secretary of the Senate.

#### SENATE BILLS ON FIRST READING.

The following Senate bills were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 379, to Committee on Juvenile Reforms.

S. B. No. 237, to Committee on Labor.

S. B. No. 34, to Committee on Judicial Districts.

S. B. No. 176, to Committee on Counties.

S. B. No. 304, to Committee on Education.

S. B. No. 317, to Committee on Municipal Corporations.

#### RECESS.

On motion of Mr. Sentell, the House, at 12:10 o'clock p. m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by Mr. Miller of Dallas.

RELATING TO CONSIDERATION OF  
HOUSE BILLS BY SENATE.

Mr. Beard of Harris offered the following as a privileged resolution:

Whereas, The general session of the Thirty-fifth Legislature is rapidly growing to a close, and there is pending much important and necessary legislation, and

Whereas, The Senate of Texas is failing or refusing to give the proper attention to legislation, passed in the House, and

Whereas, Much needed legislation will die on the calendar unless attention is paid to the bills as passed by the House, and

Whereas, The House is diligent and prompt in taking care of the legislation as sent over by the Senate, therefore, be it

Resolved, That the said Senate of Texas be requested to report back to the House as to whether or not they intend to give the legislation as passed by the House a prompt, fair and impartial hearing, as provided for by the rules.

The resolution was read second time.

Mr. Butler raised a point of order on consideration of the resolution on the ground that it relates to a matter not within the jurisdiction of the House.

The Speaker sustained the point of order.

## HOUSE BILL NO. 30 ON ENGROSSMENT.

(Pending Business.)

The House resumed consideration of pending business, same being House bill No. 30, known as the pharmacy bill, on its passage to engrossment, with (committee) amendments offered by Mr. Fly, and motion by Mr. Neeley to postpone further consideration of the bill indefinitely pending.

Question first recurring on the (committee) amendments, they were adopted.

Mr. McDowra offered the following amendment to the bill:

Amend House bill No. 30 by striking out the words "in the State of Texas" in line 23.

Mr. Beard of Harris moved the previous question on the amendment, the motion to postpone indefinitely, and the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Question next recurring on the motion to postpone indefinitely, it prevailed.

Mr. Neeley moved to reconsider the vote by which the motion to postpone indefinitely prevailed and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the chair.)

## HOUSE BILL NO. 373 ON ENGROSSMENT.

(Postponed Business.)

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 373, A bill to be entitled "An Act providing for the extension by the Penitentiary Commission of the railroad now owned by the State, extending from Rusk, in Cherokee county, to Palestine, in Anderson county, to the city of Dallas, in Dallas county, and for its maintenance, equipment and operation; providing for condemning the right of way and material therefor; providing for condemnation proceedings; providing for the issuance of bonds by the Penitentiary Commission in an amount sufficient for the extension of said road; providing that said Penitentiary Commission may accept donations or gifts, either in money or lands or other necessities, for the extension of said road; providing that the rate of interest of said bonds shall be 5 per cent per annum; providing for the redemption of said bonds; providing that said bonds may be purchased at the option of the State Board of Education and State Treasury with permanent school fund of the State of Texas; providing that the Railroad Commission of Texas shall have jurisdiction over the traffic carried on and over said road, and authorizing said Commission to compel a fair division of freight and passenger charges between said railroad and all connecting lines therewith; providing that said Penitentiary Commission shall enforce and obey the orders and regulations of the Railroad Commission; providing for working State convicts in the construction of said road, and providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

The bill having been read second time on Monday, February 19, and Mr. Moore at that time having offered an amendment to the bill striking out all after



the enacting clause and inserting in lieu thereof the text of a new bill.

Question—Shall the amendment be adopted?

Mr. Moore offered the following amendment to the amendment:

Amend Substitute bill No. 373 by adding in Section 2, after the word "places," the following: "or any other commercial center within reasonable distance."

The amendment to the amendment was adopted.

Question—Shall the amendment as amended be adopted?

Mr. Blalock raised a point of order on further consideration of the bill at this time, on the ground that the hour to which the bill was postponed has not yet arrived.

The Speaker stated that he would submit the point of order to the House for its decision.

The House sustained the point of order.

#### HOUSE BILL NO. 72 ON SECOND READING.

On motion of Mr. Jones, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 72, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal college to be located at Corpus Christi, Nueces county, Texas, and to be known as the South Texas State Normal College, and declaring an emergency."

The Speaker laid the bill before the House, and it was read the second time.

Mr. Pope offered the following (committee) amendments to the bill:

#### (1)

Amend House bill No. 72 by striking out all after the enacting clause and inserting in lieu thereof the following:

Section 1. That two State Normal Schools for the education of white teachers are hereby established at places in Texas, located as follows: One in the territory composed of all of that part of the State of Texas lying south of the twenty-ninth parallel of latitude with the counties of Kinney, Uvalde and Medina added, and the name of said Normal School shall be "South Texas State Normal College"; the other in the territory composed of all that part of the

State of Texas lying east of the ninety-sixth meridian, and the name of said Normal College shall be "Stephen F. Austin State Normal College."

Sec. 2. Said two normal schools shall be created and ready for reception of students on October 1, 1918.

Sec. 3. The State Superintendent of Public Instruction and the State Normal School Board of Regents are hereby designated a locating committee to locate the said two normal colleges; provided, that if any one member of this said committee resides within the territory in which either of these normals is to be located that member shall not take part in the locating of said normal in the territory in which he lives. The majority of said committee shall constitute a quorum for the transaction of business, and no member of said committee who has material or pecuniary interest of any kind in any town or place offered for the location of said normals shall be qualified or authorized to act on said committee. In considering the claims of any place that may apply for the location of either of said colleges, said committee shall consider the healthfulness, accessibility, general physical conditions and environments, together with the general moral tone, educational system and social qualities of the people of said place. No donation or bonus of any kind or character shall be considered by said locating committee of either of said colleges, except such donations of land as may be offered by any place as a site for the building or buildings of said colleges, and in no event shall a building site of less than fifty (50) acres be considered or accepted. After the passage of this act, any city or town within either of said normal school districts named in Section 1 of this act, desiring the location of said college in that respective district, may file its application with the chairman of said locating committee, together with the description of the land it has to offer, requesting the committee to view the site, said city or town has to offer; and it shall be the duty of said committee to visit said cities or towns making such requests, and to view the sites they have to offer, and as soon as practical after said committee shall have viewed all sites offered, such locating committee shall meet and select a location for each of said normal colleges; provided, that said locating committee shall locate said normal colleges not

later than August 1, 1917, and for the purpose of traveling expenses and other expenses of said board, including clerk hire, there is hereby appropriated out of the funds of the treasury, not otherwise appropriated, the sum of one thousand (\$1000.00) dollars. Such committee may employ a clerk at a salary not to exceed one hundred (\$100.00) dollars per month, for such services as may be needed. Said committee, as soon as the locations are made for said colleges, shall make a full report of all of its actions in carrying out the provisions of this act, in regard to location, including an itemized statement of all moneys paid out, and also an itemized descriptive list of all donations of land made and accepted for said normal colleges.

Sec. 4. It shall be the duty of the Attorney General of the State of Texas to examine and approve all abstracts of title, to be furnished by the owner, to any and all real estate that may be donated either for the site for the buildings of said colleges or for any other purpose, and the abstracts of the title to the real estate of the building sites of such colleges which may be selected by said locating committee shall be so examined by the said Attorney General and approved by him before any location is finally made; provided, however, that nothing herein shall prevent said locating committee from selecting a location and announcing same conditioned upon the approval of the title thereto by the Attorney General. After examination and approval of the title to the lands donated for said colleges the Attorney General shall cause to be prepared and duly executed proper deed or deeds of conveyance to said land selected, which deed or deeds shall be held in escrow by the State Treasurer conditioned upon the erection and opening of said colleges.

Sec. 5. As soon as funds are available under proper appropriation, the State Normal School Board of Regents shall proceed to secure plans and specifications for a building or buildings and equipment of each of said colleges, which building or buildings and equipment of each college shall be sufficient to accommodate at least four hundred pupils, and to let the contract for such building or buildings and equipments to the lowest responsible bidder or bidders; said State Normal School Board of Regents shall meet October 1, 1917, or as soon thereafter as practical, for the purpose of receiving said plans and

specifications for said building or buildings and equipments to be completed on or before October 1, 1918, on which date the said colleges shall be opened and ready for the reception of students.

Sec. 6. The control and regulation of said colleges is hereby vested in the State Normal School Board of Regents under the law now in force governing said board, or which may hereafter be enacted, and such board of regents shall meet as soon as practical after the first day of January, 1918, and make rules and regulations for the organization and maintenance of said colleges; and to elect such officers and teachers and instructors and employes as may be necessary for properly carrying out the work of said colleges.

Sec. 7. The sum of one hundred and fifty thousand (\$150,000.00) dollars is hereby appropriated out of any funds in the State treasury not otherwise appropriated, to be expended in the payment of accounts legally contracted in constructing and equipping the building or buildings of said South Texas State Normal College; and the sum of one hundred and fifty thousand (\$150,000.00) dollars is hereby appropriated out of any funds in the State treasury not otherwise appropriated, to be expended in the payment of accounts legally contracted in constructing and equipping the building or buildings of said Stephen F. Austin State Normal College; said accounts to be paid upon warrants issued by the Comptroller of Public Accounts after the accounts shall have been audited and approved by the State Normal School Board of Regents, and the sum of thirty thousand (\$30,000.00) dollars is hereby appropriated out of any funds in the State treasury not otherwise appropriated, for the maintenance of said South Texas State Normal College for the fiscal year ending August 31, 1919; and the sum of thirty thousand (\$30,000.00) dollars is hereby appropriated out of any funds in the State treasury not otherwise appropriated, for the maintenance of said Stephen F. Austin State Normal College for the fiscal year ending August 31, 1919; and the Legislature shall, after the taking effect of this act, from time to time, and after the fiscal year ending August 31, A. D. 1919, make such appropriation for the maintenance and government of said colleges as may be necessary, which shall be paid out upon vouchers drawn in such manner as may be approved by the laws now in force



governing the State Normal School Board of Regents, or which may hereafter be enacted.

Sec. 8. The fact that there is now no normal school in South Texas, and no convenient normal college east of the ninety-sixth meridian, and persons preparing themselves for teachers are put to great unnecessary expense in attending far distantly located normals, thereby entailing a great and unnecessary hardship upon the public school system in this State, and on account of the importance of this measure to the people of this State, and the crowded condition of the calendars of the Legislature, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read in each house on three several days be suspended, and that this bill be put upon its third reading and final passage, and that this act take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend House bill No. 72 by striking out all of the caption and inserting in lieu thereof the following:

A bill to be entitled "An Act to provide for the establishment, maintenance and government of two State normal colleges; providing for the location of same, and declaring an emergency."

The (committee) amendments were adopted.

(Mr. Spradley in the chair.)

Mr. Sentell offered the following amendment to the bill:

Amend House bill No. 72 by striking out the enacting clause.

(Speaker in the chair.)

Mr. Carlock moved the previous question on the amendment and the engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, striking out the enacting clause of the bill, it was lost.

Question next recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 72 was passed to engrossment by the following vote:

Yeas—84.

Bagby.	Bertram.
Beard of Harris.	Blackburn.
Bedell.	Blackmon.
Bell.	Blalock.

Bledsoe.	O'Brien.
Boner.	Osborne.
Brown.	Parks.
Burton of Tarrant.	Peddy.
Butler.	Pope.
Canales.	Reeves.
Cates.	Richards.
Clark.	Roemer.
Davis of Grimes.	Russell.
Davis.	Schlesinger.
of Van Zandt.	Scholl.
De Bogory.	Sholars.
Denton.	Smith of Bastrop.
Dodd.	Smith of Hopkins.
Dudley.	Smith of Scurry.
Estes.	Spencer of Nolan.
Fairchild.	Spradley.
Fisher.	Stewart.
Florer.	Strayhorn.
Fly.	Swope.
Haidusek.	Templeton.
Hardey.	Thomas.
Hartman.	Thomason
Hill.	of El Paso.
Hudspeth.	Thomason
Johnson.	of Nacogdoches.
Jones.	Thompson
Laas.	of Red River.
Lacey.	Tilson.
Lange.	Tschoepe.
Lanier.	Upchurch.
Lowe	Valentine.
of McMullen.	Walker.
McFarland.	White.
McMillin.	Williams
Meador.	of Brazoria.
Mendell.	Williams
Metcalf.	of McLennan.
Miller of Dallas.	Wilson.
Monday.	Woodul.
Nichols.	Yantis.
O'Banion.	

Nays—30.

Baker.	Neill.
Beasley.	Peyton.
Bland.	Raiden.
Bryan.	Robertson.
Cadenhead.	Rogers.
Carlock.	Sackett.
Cope.	Sallas.
Cox.	Sentell.
Crudgington.	Seawright.
Davis of Dallas.	Spencer of Wise.
Harris.	Taylor.
Hawkins.	Thompson
Holland.	of Hunt.
Lee.	Tillotson.
McComb.	Trayler.
McDowra.	Veatch.
Miller of Austin.	Williford.
Murtell.	Woods.
Neeley.	

Present—Not Voting.

Beard of Milam.	Beason.
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## Absent.

Bryant.	McCoy.
Burton of Rusk.	Martin.
Dunnam.	Moore.
Fitzpatrick.	Morris.
Greenwood.	Nordhaus.
Laney.	Poage.
Lindemann.	Schlosshan.
Low.	Terrell.
of Washington.	Wahrmund.

## Absent—Excused.

Pillow.	Tinner.
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Mr. Thomason of Nacogdoches moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

## BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 230, A bill to be entitled "An Act to validate Common County Line School District No. 14, lying in Comanche and Eastland counties, under the control of Comanche county, and to validate the consolidation of what was heretofore Common School District No. 14 of Comanche County with Common County Line School District No. 67, lying in Comanche and Eastland counties, and declaring an emergency."

H. B. No. 602, A bill to be entitled "An Act creating the Buna Independent School District No. 13, in Jasper county, Texas, and defining its boundaries, etc., and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act to amend Section 2 of an act creating the Jourdanon Independent School District in Atascosa county, Texas, being Chapter 79 of the Thirty-second Legislature of Texas, increasing the territory of said district; to amend Section 8 of said act, providing for the appointment of an assessor and collector of said district; to amend Section 23 of said act providing for the appointment of a board of equalization, and prescribing its powers and duties; to amend Section 24 of said act regulating the time of payment of taxes, and declaring an emergency."

H. B. No. 576, A bill to be entitled "An Act to amend Sections 24 and 25 of an act of the Legislature of Texas,

approved March 24, 1911, and entitled 'An Act creating a more efficient road system for Anderson county, Texas, etc.'"

H. B. No. 495, A bill to be entitled "An Act creating the Kirbyville Independent School District in Jasper county, Texas, etc., and declaring an emergency."

H. B. No. 358, A bill to be entitled "An Act to establish the Pampa Independent School District with certain boundaries, including the town of Pampa, Gray county, Texas, with all the powers and privileges of independent school districts, to manage and control the public schools of the same, to elect trustees therefor, to levy and collect taxes for the maintenance of said schools, to issue bonds, and declaring an emergency."

H. B. No. 412, A bill to be entitled "An Act creating the Jefferson Independent School District, in Marion county, Texas; providing for a board of trustees in said independent school district and conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of this State upon independent school districts and the board of trustees thereof; to provide for the creation of a board of trustees for the raising of revenue, issuing bonds, building and maintaining schoolhouses, maintaining public free schools, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and declaring an emergency."

H. B. No. 366, A bill to be entitled "An Act to amend Section 100 of Chapter 36, page 369, of Acts of the Thirty-first Legislature, approved March 15, 1909, entitled 'An Act to validate the Wichita Falls Independent School District,' and for other purposes, by repealing the last clause of Section 10 of said act, which limits the powers and discretion of the board of equalization of said independent school district in the performance of its duties, and declaring an emergency."

H. B. No. 469, A bill to be entitled "An Act to establish Common School District No. 4 in San Patricio county, Texas; extending its boundaries so as to include certain lands heretofore in Common School District No. 1 of said county; providing that such parts of Common School District No. 1 of San Patricio county as may hereafter be



included in Common School District No. 4 shall continue to be subject to taxation for the payment of principal and interest of any common school district schoolhouse bonds that may have heretofore been issued by Common School District No. 1, and remaining unpaid; conferring upon the board of county trustees the power to subdivide said district, and declaring an emergency."

H. B. No. 13, A bill to be entitled "An Act granting to the city of Austin certain land along the river front."

H. C. R. No. 15, Relative to replacing chandeliers in the House of Representatives and Senate Chamber.

H. C. R. No. 16, In memory of General Frederick Funston.

#### HOUSE BILL NO. 369 ON SECOND READING.

On motion of Mr. Thompson of Red River, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 369, A bill to be entitled "An Act to impose a per capita tax of one dollar and fifty cents on each and every dog in the State of Texas, fifty cents of which shall go to the State Highway Commission of Texas to support said department, and one dollar shall go to the road and bridge fund of each county, and shall be apportioned to each precinct where the owner of the dog resides."

The Speaker laid the bill before the House, and it was read the second time.

Mr. Thompson of Red River offered the following amendment to the bill:

Amend House bill No. 369 by adding to the caption and the bill the following: in line nine (9) of caption by striking out the words "State Highway Commission of Texas" and inserting the words "State available school fund," and in Section 1 of the bill, lines 16 and 17, by striking out the words "State Highway Commission" and inserting the words "State available school fund," and by adding to Section 1 and caption the following: "Provided that this tax shall be in addition to any other tax which is now levied by law."

The amendment was adopted.

Mr. Miller of Dallas offered the following amendment to the bill:

Amend House bill No. 369 by striking out the enacting clause.

The amendment was lost.

House bill No. 369 was then passed to engrossment.

Mr. Thompson of Red River moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 151 ON SECOND READING.

On motion of Mr. Mendell, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 151, A bill to be entitled "An Act to make fraudulent advertising a penal offense, and prescribing a penalty, and making each day the same is committed a separate offense."

The Speaker laid the bill before the House, and it was read second time.

Mr. Beard of Harris offered the following amendment to the bill:

Amend House bill No. 151 by striking out all of Section 3.

The amendment was lost.

Mr. Canales offered the following amendment to the bill:

Amend by adding after the word "thereof" in line 18 the words "any lands."

The amendment was adopted.

Mr. Carlock offered the following amendments to the bill:

(1)

Amend House bill No. 151, in Section 1, line 22, by inserting the word "material" before the word "particular" in said line.

(2)

Amend House bill No. 151, line 20, by adding the word "material" before "any" and before the word "particular."

The amendments were severally adopted.

Mr. Davis of Van Zandt offered the following amendment to the bill:

Amend House bill No. 151 by adding "or live stock" after line 18.

The amendment was adopted.

House bill No. 151 was then passed to engrossment.

Mr. Mendell moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 323 ON SECOND  
READING.

On motion of Mr. Boner, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 323, A bill to be entitled "An Act to amend Articles 3826, 3827 and 3828 of Title 57 of the Revised Civil Statutes of the State of Texas (1911), and to add thereto Articles 3828a and 3828b, defining commission merchants and requiring all commission merchants dealing in agricultural, horticultural and farm products, and poultry, other than live stock dealers and corporations chartered under Chapter 5, Acts of the Second Called Session of the Thirty-third Legislature, to take out a license through the Commissioner of Agriculture, paying a fee therefor; authorizing them to do business in this State; providing that they shall give bond to be approved by the Commissioner of Agriculture, and prescribing the terms and conditions of said bond; providing for making certain reports by all commission merchants, requiring them to keep certain books and records and to submit all books, records and 'sales tickets' to the Commissioner of Agriculture, or his authorized agents, whenever demanded; authorizing the Commissioner of Agriculture to refuse to issue licenses to persons not of good moral character, and to cancel licenses for failure to make reports or submit books, records, and sales tickets for inspection, or for fraud or dishonest dealing, as provided by this act; authorizing the Commissioner of Agriculture to employ marketing agents to assist in enforcing the provisions of this law; fixing the venue, prescribing penalties for the violation of the provisions of this act, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Terrell offered the following amendments to the bill:

(1)

Amend House bill No. 323, on page 6, by striking out the words in line 11 after the word "dollars," and by striking out lines 12 and 13.

(2)

Amend House bill No. 323 by striking out all the words in line 18 after the words "of law," and also by striking out lines 19 and 20 and inserting

in lieu thereof the following: "Such suits may be brought in the county of defendant's residence or in any county where such defendant has an agent, or in the county where the goods and articles shipped were delivered to the carrier for shipment to such commission merchant; and this law shall be cumulative of laws providing damages in suits of this character."

The amendments were severally adopted.

House bill No. 323 was then passed to engrossment.

Mr. Terrell moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 176 ON SECOND  
READING.

On motion of Mr. Bland, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 176, A bill to be entitled "An Act providing that all persons and warehousemen in this State, whether public or private, incorporated or unincorporated, who store cotton for hire in yards or other places not under shelter, but exposed to the weather, and in such a manner that the same shall come in contact with the soil, as well as exposed to the weather, and all public weighers who store cotton for hire in like manner, shall, in addition to all other liability, be responsible for all damages to cotton stored with them exposed as aforesaid, which may arise from such exposure or contact with the soil, and this regardless of the fact that the owner of the cotton may have actual knowledge and agreed orally, or in writing, as to the manner or place of storage, or agreed to waive all damage incident to such exposure; abolishing all defenses based upon any such knowledge, agreement or waiver; prescribing that all persons and corporations and public weighers who store cotton in the manner aforesaid, to be approved by the Board of Warehouse Supervisors; prescribing the terms and conditions of the bond and the amount thereof, creating offenses in violation of this act, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Beasley offered the following amendment to the bill:

Amend House bill No. 176 by adding

at the end of Section 3, page 3, the following: "Provided, that nothing in this bill shall be construed to apply to any person or corporation, public or private, incorporated or unincorporated, who charges only for weighing and marking cotton and when the charge does not exceed twenty-five cents per bale."

Mr. Bland moved to table the amendment, and the motion to table was lost. The amendment was adopted.

Mr. Thompson of Hunt offered the following amendment to the bill:

Amend House bill No. 176, Section 1, by striking out all of said section following the word "soil" in line 35.

The amendment was adopted.

House bill No. 176 was then passed to engrossment.

Mr. Bland moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 68 WITH SENATE AMENDMENTS.

Mr. Pope called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 68, A bill to be entitled "An Act to require the Governor of Texas to appoint an inspector of hides and animals in Nueces county, Texas, and to place said county under the provisions of Articles 7256 to 7304, both inclusive, Revised Civil Statutes of 1911, and providing for fees for inspectors appointed by Governor, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Pope, the House concurred in the Senate amendments.

#### HOUSE BILL NO. 276 ON SECOND READING.

On motion of Mr. Russell, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 276, A bill to be entitled "An Act to create the Eighty-first Judicial District of the State of Texas, to reorganize the Thirty-sixth and Forty-ninth Judicial Districts of said State, to provide for the appointment of a district attorney in said Thirty-sixth Judicial District as reorganized, and to

provide for the appointment of a district judge for said Eighty-first Judicial District, and to provide for the continuance in office of the present district attorney of the Thirty-sixth Judicial District of Texas, as district attorney of the Eighty-first Judicial District of Texas, residing in Wilson county, Texas; to provide for the continuance in office of the present district judge and district attorney of the Forty-ninth Judicial District of Texas, to fix the time of holding the district courts of said districts, to provide for the time when this act shall take effect, to make all process heretofore issued, as well as bonds and recognizances heretofore entered into, conform thereto; to provide that the grand and petit jurors drawn and selected under existing laws in any of the counties of said judicial district shall be considered legally drawn and selected for the term of the district court of their respective counties, held after this act takes effect, and providing that this act take effect on August 1, 1917; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Woodul offered the following (committee) amendment to the bill:

Amend House bill No. 276, Section 2, to read as follows:

Sec. 2. That the Forty-ninth Judicial District of Texas shall hereafter be composed of the counties of Webb, Zapata and Dimmit, and the district courts shall be held therein in each year as follows:

In the county of Dimmit, on the first Monday in September and February, and may continue in session four weeks.

In the county of Zapata, on the fourth Monday after the first Monday in September and February, and may continue in session one week.

In the county of Webb as follows: One term beginning on the fifth Monday after the first Monday in September, and may continue in session eight weeks; one term beginning on the thirteenth Monday after the first Monday in September, and may continue in session eight weeks; one term beginning on the fifth Monday after the first Monday in February, and may continue in session eight weeks; one term beginning on the thirteenth Monday after the first Monday in February, and may continue in session eight weeks.



That the present district judge and district attorney of said Forty-ninth Judicial District shall continue as judge and district attorney respectively of said Forty-ninth Judicial District for the terms for which they were elected and until their successors shall be duly elected and qualified.

That all process, recognizances, writs, and bonds issued, served, executed, or entered into, prior to the taking effect of this act and returnable to the terms of said court as heretofore fixed by law in the several counties composing said district are hereby made returnable to the terms of said court in the several counties, as fixed by this act, and all process heretofore returnable, as well as all bonds and recognizances heretofore entered into in any of said courts shall be valid and binding as if no change had been made by this act in the times of holding said terms of court.

That all grand and petit jurors selected in any of said counties shall be legal jurors for the terms of said court fixed by this act.

The (committee) amendment was adopted.

Mr. Lowe of McMullen moved to commit the bill to the Committee on Judicial Districts.

On motion of Mr. Hartman, the motion to commit was tabled.

House bill No. 276 was then passed to engrossment.

Mr. Hartman moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 157 ON SECOND READING.

On motion of Mr. Williford, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment.

H. B. No. 157, A bill to be entitled "An Act requiring the commissioners court to publish notice of the time and place of the letting of any contract calling for or requiring the expenditure of five hundred dollars or more, of submitting same to competitive bids, and of publishing notice of the proposed letting of such contract, and providing that contracts made in violation of this act shall not be enforced and may be enjoined."

The Speaker laid the bill before the House, and it was read second time.

Mr. Williford offered the following (committee) amendment to the bill:

Section 1, line 1, after the word "courts" insert these words: "of this State."

Section 1, line 8, after the word "for" eliminate the words "for twenty (20) days" and substitute therefor the words "once a week for two weeks."

Section 1, line 14, eliminate the words "twenty days" and substitute therefor the words "fourteen days."

Section 1, at the end add or insert "Provided, that in case of public calamity, where it becomes necessary to act at once to appropriate money to relieve the necessity of the citizens or to preserve the property of the county, this provision may be waived."

Section 2, line 2, after the word "act" insert the words "shall be void and."

Section 2, insert at the end the following words: "this act shall not be construed so as to repeal any part of Title 29, Chapter 2, Revised Statutes of 1911, and shall be cumulative to said title and chapter."

The (committee) amendment was adopted.

Mr. Williford offered the following amendment to the bill:

Amend House bill No. 157, Section 1, line 29, by striking out the words "in civil matters" and substituting the words "for serving citations in civil cases."

The amendment was adopted.

Mr. Fairchild offered the following amendment to the bill:

Amend House bill No. 157 by adding at the end of Section 1 the following: "Provided, that all contracts made by or with said court calling for or requiring the expenditure of any amount of money less than five hundred (\$500) dollars and exceeding twenty (\$20) dollars, shall be let by competitive bids at a regular term of court, except in case of urgent necessity or present calamity."

The amendment was adopted.

House bill No. 157 was then passed to engrossment.

Mr. Williford moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 537 ON SECOND READING.

On motion of Mr. Hartman, by unanimous consent, the regular order of busi-

ness was suspended, to take up and have placed on its second reading and passage to engrossment.

H. B. No. 537, A bill to be entitled "An Act to amend Article 511 of the Revised Criminal Statutes, 1911, relating to the interference with dead bodies, and defining the conditions under which dead bodies may be disinterred, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Hartman offered the following amendments to the bill:

(1)

Amend House bill No. 537 by striking out the word "section" in line 14 of the printed bill and adding in lieu thereof the word "article."

Signed—Hartman, Scholl.

(2)

Amend House bill No. 537 by adding after the words "next to kin" in line 18 of the printed bill the words "or by the husband or wife of such deceased person."

Signed—Hartman, Scholl.

The amendments were severally adopted.

House bill No. 537 was then passed to engrossment.

Mr. Hartman moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### SENATE BILL NO. 349 ON SECOND READING.

On motion of Mr. Baker, by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to a third reading.

S. B. No. 349, A bill to be entitled "An Act to reorganize the Eighteenth Judicial District of the State of Texas, and to reorganize the Twenty-ninth Judicial District of the State of Texas, and to provide that Somervell county shall be taken from the Twenty-ninth Judicial District and transferred to the Eighteenth Judicial District of the State of Texas; and to prescribe the time for the holding of the courts in said districts, and to make all process issued or served before this act takes effect, including recognizances and bonds returnable to the terms of court in the several counties and districts as herein fixed, to validate such process, recog-

nizances and bonds, and to validate the summoning of grand and petit jurors, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Baker offered the following (committee) amendment to the bill:

Amend Senate bill No. 349 as follows: On line 12, Section 1, by changing the word "fourth" to "third"; in line 13 of the same section by changing the word "first" to "third," and in line 14 by changing the word "fourth" to "second," and in line 15 by changing the word "September" to "October," and in line 17 by changing the word "fourth" to "third"; in line 19 by changing the word "fourth" to "first," and in line 21 by changing the word "second" to "third," and the word "October" to "September."

The (committee) amendment was adopted.

Senate bill No. 349 was then passed to third reading.

Mr. Baker moved to reconsider the vote by which the bill was passed to third reading, and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 499 ON SECOND READING.

On motion of Mr. Fairchild, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 499, A bill to be entitled "An Act to amend Sections 5, 6, 8, 9 and 29 of Chapter 106, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, so that hereafter said sections of Chapter 106 shall provide in substance for fixing the salaries of the members of the State Fire Insurance Commission; to limit the expenditure of said Commission in any one year to the sum produced by an assessment of one and one-fourth per cent of the gross premiums of all fire insurance companies doing business in this State; prescribing certain duties and powers of the State Fire Insurance Commission and the members thereof with respect to the fixing and promulgating of rates of premium, investigation of fires, and correction of fire hazards, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Fairchild offered the following amendment to the bill:

Amend House bill No. 499, Section 6, page 3, of the printed bill, by striking out beginning with the word "credited" in line 15, down to the end of line 19, and insert in lieu thereof the following: "Of one hundred and thirty thousand (\$130,000) dollars."

The amendment was adopted.

On motion of Mr. Carlock, further consideration of the bill was postponed until 11 o'clock a. m. next Friday, February 23rd.

#### HOUSE BILL NO. 53 ON SECOND READING.

On motion of Mr. Thompson of Hunt, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 53, A bill to be entitled "An Act providing for the holding of primary elections in this State; providing for the nomination by political parties of candidates for President and Vice-President of the United States, electors, delegates to national conventions and national executive committees; providing for the nomination of candidates for United States Senator, Representatives in Congress, Governor, Lieutenant Governor, and all State, district, county and precinct officers; providing dates, places and methods for holding primary elections, and designating person to hold the same; providing for defraying the expense of such elections; prescribing the form of ballots to be used therein, the method by which candidates may have their names printed thereon, and the order in which said names shall appear; providing regulations for holding said election, and prescribing the qualifications of voters therein; providing the method for counting the votes and making returns of said elections; providing for majority nominations of candidates, and the date and method for counting the votes and making returns of said election; providing for the holding of precinct, county, district and State conventions, and for declaring the results of all primary elections; providing methods for contesting nominations in primary elections; providing methods for enforcing the provisions of this act, repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

(Mr. Mendell in the chair.)

Mr. Thompson of Hunt offered the following (committee) amendment to the bill:

Amend Section 11 by adding: "And is not related to any candidate for any office whose name appears on the official ballot in the third degree of consanguinity or in the second degree by affinity."

Amend Section 7 of the bill by adding at the end thereof the following:

"Provided, further, that no executive committee shall ever have the power or authority to make such nominations, except in case of a tie vote as in this act provided."

Amend Section 38 by adding after the word "sheets," and before the word "return" in the fourth line of said section, the word "unused."

Amend the bill by substituting and inserting in lieu of Section 39 the following:

"Sec. 39. When the ballots have all been counted, the manager of the election in person shall make triplicate returns of the same certified to be correct and signed by the judges and clerks of the election officially, showing: first, the total number of votes polled at such box; second, the number polled for each candidate and for and against each proposition that may appear upon the ballot; one of which returns shall be sealed up in an envelope and delivered by one of the precinct judges to the county clerk of the county, who shall open it and keep such copy of the returns in his office, open to inspection by the public and especially by representatives of newspapers, for twelve months from the day of the election; another of said returns shall be sealed up in an envelope and delivered by one of the precinct judges to the chairman of the county executive committee of the party; and the other of said returns shall be kept by the presiding officer of the election for twelve months from the day of the election, open to inspection by the public and especially by newspaper representatives. It shall further be the duty of said party chairman to give notice to the members of the county executive committee to assemble at the county seat of the county on the first Saturday after the primary election, at which time the said returns delivered to the county chairman shall be opened



under the direction of such executive committee and canvassed by them."

The (committee) amendment was adopted.

Question—Shall House bill No. 53 be passed to engrossment?

#### ADJOURNMENT.

Mr. Butler moved that the House recess to 7:30 o'clock p. m. today.

Mr. Holland moved that the House recess until 10 o'clock a. m. tomorrow.

Mr. Woods moved that the House adjourn until 10 o'clock a. m., Wednesday, February 21.

Mr. Sentell moved that the House adjourn until 9 o'clock a. m., Wednesday, February 21.

The motion of Mr. Woods prevailed, and the House, accordingly, at 5:35 o'clock p. m., adjourned until 10 o'clock a. m., Wednesday, February 21.

#### APPENDIX.

##### REPORT OF COMMITTEE ON CONGRESSIONAL DISTRICTS.

Committee Room,

Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Congressional Districts, to whom was referred Senate bill No. 11, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with amendment.

PEDDY, Chairman.

##### REPORTS OF COMMITTEE ON EDUCATION.

Committee Room,

Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred Senate bill No. 284, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

Committee Room,

Austin, Texas, February 19, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education,

to whom was referred House bill No. 678, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Blacklock has been appointed to make a full report thereon.

THOMASON of Nacogdoches, Chairman.

Committee Room,

Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 700, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

##### REPORT OF COMMITTEE ON JUDICIAL DISTRICTS.

Committee Room,

Austin, Texas, February 17, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred Senate bill No. 349, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with committee amendments, and be not printed.

TEMPLETON, Chairman.

##### REPORT OF COMMITTEE ON PRIVATE CORPORATIONS.

Committee Room,

Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Private Corporations, to whom was referred Senate bill No. 64, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

LOW of Washington, Chairman.

##### REPORT OF COMMITTEE ON REVENUE AND TAXATION.

Committee Room,

Austin, Texas, February 19, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Revenue and Taxation, to whom was referred House bill No. 712, have had the same under consideration and I am instructed to report it back to the House with the rec-

ommendation that it do pass. Mr. Thompson of Red River has been appointed to make a full report thereon.

NEILL, Chairman.

#### REPORTS OF COMMITTEE ON ROADS, BRIDGES AND FERRIES.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 693, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

LEE, Vice-Chairman.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 706, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

LEE, Vice-Chairman.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 718, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

BLAND, Chairman.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 714, have had the same under consideration and I am in-

structed to report it back to the House with the recommendation that it do pass.

BLAND, Chairman.

#### REPORT OF COMMITTEE ON STATE AFFAIRS.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on State Affairs, to whom was referred House bill No. 659, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

HAWKINS, Vice-Chairman.

#### REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 473, A bill to be entitled "An Act requiring all male persons entering into matrimony contracts to undergo a physical examination and furnish health certificates showing that the contracting party is free from all venereal diseases, and declaring an emergency."

H. B. No. 378, A bill to be entitled "An Act to amend Article 303, Chapter 2, Title 7, of the Penal Code of the State of Texas, so as to except from the provisions of Article 302, Chapter 2, Title 7, markets or dealers in provisions, the sale of burial or shrouding material, newspapers, ice, ice cream, milk, sending of telegraph or telephone messages, keepers of drug stores, hotels, boarding houses, restaurants, livery stables, bathhouses, ice dealers, telegraph or telephone offices, and theaters in cities of over five thousand inhabitants, and granting to such cities the power to regulate and prohibit theaters."

And find them correctly engrossed.

DENTON, Chairman.

**In Memory**  
**of**  
**General Frederick Funston.**

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Mr. Nordhaus offered the following privileged resolution:

House Concurrent Resolution No. 16, In memory of General Frederick Funston:

Whereas, The House of Representatives has learned with profound regret of the untimely death of General Frederick Funston, Commander of the Southern Department, stationed at San Antonio; and

Whereas, His distinguished services challenge the admiration of every true American citizen and especially of the people of the State of Texas, with whom he has labored and for whom he has done so much in bringing together on a common ground of understanding the citizen and the soldier, and since it is proper that this body give suitable expression to the high esteem in which this great soldier is held; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That in the death of General Funston the American people have lost a true patriot and distinguished soldier, and the people of Texas have lost a real friend whose place it will be difficult to fill—a man whose worth and merit the grateful people of this State will ever hold in sacred remembrance.

Resolved, further, These resolutions be spread upon the Journal of the House and of the Senate as an expression of our regard for his life and memory, and when the House adjourns today it do so out of respect to his memory, and that a page of the Journal be set apart for this resolution.

NORDHAUS.

LANGE.

SCHLESINGER.

WAHRMUND.

The resolution was read second time and was adopted unanimously.